was common to both. The principle involved in the term "Comity of Nations" is that as the jurisdiction over the subject matter of the judgment is common to the Courts of both countries, we give it by courtesy that consideration and weight involved in regarding it as primâ facie a correct judgment" (*y*).

Whatever may be the true view to be taken of the Susan Ash case, it is clear that the decision of Parliament can have no weight with ordinary courts of justice. These Courts, when the question of the validity of American divorces has been discussed before them, uniformly give effect to them (a) when the Court whose decree is in question had jurisdiction over the parties (which would seem to be only when the husband was domiciled in the State where the proceedings were taken at the time when they were begun); (*z*) or (b) when the respondent had appeared or submitted to the jurisdiction of the foreign tribunal.

The recent notorious Russell case has brought the subject of divorce prominently forward, and has excited, from the position of the parties, an attention which it did not in itself merit. The law in the case was perfectly plain. A domiciled Englishman could not legally obtain a dissolution of a marriage contracted in England, from an American court. The decision in *LeMesurier* v. *LeMesurier* (above referred to) has made it clear that for a divorce a vinculo matrimonii, whatever may be the rule in regard to separation or other remedies not involving an absolute severance of the marriage tie, a domicile within the jurisdiction of the court assuming to grant the divorce is required by English courts. Earl Russell had therefore no defence upon the merits, and was wisely advised to plead guilty to the criminal charge. The case does not therefore give any fresh light on the subject of divorce, as newspaper items would have us believe.

(*y*) Page 27.

(*z*) *LeMesurier* v. *LeMesurier* (1895) A.C. 517; *Magurn* v. *Magurn*, 3 O.R. 570: 11 A.R. 178; *Guest* v. *Guest*, 3 O.R. 344.

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